

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMES L. GAUT,

Petitioner,

v.

KENNETH QUINN,

Respondent.

NO. CV-07-00270-CI

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND DENYING  
PETITIONER'S MOTION FOR SUMMARY  
JUDGMENT

Magistrate Judge Imbrogno filed a Report and Recommendation on April 11, 2008, recommending Mr. Gaut's Motion for Summary Judgment be denied. **(Ct Rec. 30.)** A copy was sent to Mr. Gaut at the Monroe Correctional Complex. Objections were due by April 28, 2008.

There being no objections, the court **ADOPTS** the Report and Recommendation. The Motion for Summary Judgment **(Ct. Rec. 19)** is **DENIED.**

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order, enter judgment for Respondent and forward a copy of the Order to Petitioner and counsel for Respondent.

**DATED** this 12th day of May, 2008.

s/ Fred Van Sickle  
Fred Van Sickle  
United States District Judge